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Intellectual Property Causes  
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IFW

Attorney Docket No. P21688

In re application of: Shinkichi IKEDA

Application No. : 09/986,826

Filed : November 13, 2001

For : BASE STATION APPARATUS, MOBILE TERMINAL APPARTUS AND WIRELESS  
ACCESS SYSTEM USING APPARATUS

**Mail Stop Amendment**

Group Art Unit : 2665

Examiner : D.C. HO

**Mail Stop Amendment**

Commissioner for Patents  
U.S. Patent and Trademark Office  
220 20<sup>th</sup> Street S.  
Customer Window  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202  
Sir:

Transmitted herewith is an **Election with Traverse** in the above-captioned application.

☐ Small Entity Status of this application under 37 C.F.R. 1.9 and 1.27 has been established by a previously filed statement.

☐ A verified statement to establish small entity status under 37 C.F.R. 1.9 and 1.27 is enclosed.

☐ A Request for Extension of Time.

☒ No additional fee is required.

The fee has been calculated as shown below:

Claims After Amendment	No. Claims Previously Paid For	Present Extra	Small Entity		Other Than A Small Entity	
			Rate	Fee	Rate	Fee
Total Claims: 19	*20	0	x25=	\$	x 50=	\$0.00
Indep. Claims: 8	**8	0	x100=	\$	x200=	\$0.00
Multiple Dependent Claims Presented			+180=	\$	+360=	\$0.00
Extension Fees for ____ Month(s)				\$		\$0.00
Total:				\$	Total:	\$0.00

\* If less than 20, write 20

\*\* If less than 3, write 3

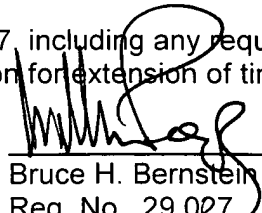
☐ Please charge my Deposit Account No. 19-0089 in the amount of \$\_\_\_\_\_.

☐ A check in the amount of \$\_\_\_\_\_ to cover the filing/extension fee is included.

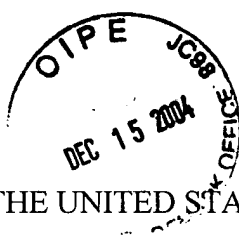
☒ The U.S. Patent and Trademark Office is hereby authorized to charge payment of the following fees associated with this communication or credit any overpayment to Deposit Account No. 19-0089.

☒ Any additional filing fees required under 37 C.F.R. 1.16.

☒ Any patent application processing fees under 37 C.F.R. 1.17, including any required extension of time fees in any concurrent or future reply requiring a petition for extension of time for its timely submission (37 C.F.R. 1.136(a)(3)).

  
Bruce H. Bernstein  
Reg. No. 29,027

BN 033638



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant : Shinkichi IKEDA

Group Art Unit : 2665

Appl. No. : 09/986,826

Examiner : D.C. Ho

Filed : November 13, 2001

Confirmation No. : 6156

For : BASE STATION APPARATUS, MOBILE TERMINAL APPARATUS  
AND WIRELESS ACCESS SYSTEM USING APPARATUS

**ELECTION WITH TRAVERSE**

U.S. Patent and Trademark Office  
220 20th Street S.  
Customer Window, Mail Stop \_\_\_\_\_  
Crystal Plaza Two, Lobby, Room 1B03  
Arlington, VA 22202

Sir:

In response to the Restriction Requirement of November 30, 2004, in which a one-month shortened statutory period for response was set to expire on December 30, 2004, Applicant hereby elects Group I, comprising claims 1-8. The above election is made with traverse for the reasons set forth below.

REMARKS

Upon entry of the present paper, Applicant will have elected, with traverse, the invention defined as Group I.

In the Official Action, the Examiner required an election among two groups: Group I, comprising claims 1-8, drawn to converting between protocols; and Group II, comprising claims 9-19, drawn to routing circuit switched traffic through a packet switching network. Applicant respectfully traverses the above restriction requirement and submits that it is inappropriate.

Applicant notes that although the various claims recite different features, this alone is an inadequate basis to render the apparatuses and systems defined by the claims appropriate for restriction. On the contrary, the plurality of commonly recited features provides evidence that restriction is improper as least partially.

Additionally, the search field for the identified groups is co-extensive. Although there might be specific search areas that are required for particular claims that are not required for the others, this alone is believed to be an inadequate and thus an inappropriate basis for requiring restriction.

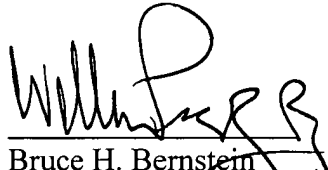
Moreover, the restriction requirement set forth by the Examiner omits one of the two criteria for a proper restriction requirement now established by the U.S. Patent and Trademark Office policy. As set forth in M.P.E.P. § 803, an appropriate explanation must be set forth by the Examiner as to the existence of a “serious burden” if the restriction requirement were not required. By virtue of the Examiner's requirement and since the claims of the various groups are so closely related, it is submitted that there is no serious burden on the Examiner in examining all these claims together. Furthermore, as noted above, the search for the claims includes a significant amount of overlap. Thus, additionally, no serious burden would come to bear on the Examiner.

For all of these reasons, and consistent with the office policy as set forth in M.P.E.P. § 803, Applicant respectfully requests that the Examiner reconsider the position taken in the above-mentioned Official Action and withdraw the restriction requirement in the present application. Accordingly, the Examiner's restriction requirement is believed to be improper and has been traversed for the reasons set forth above.

Nevertheless, in order to be fully responsive, Applicant has elected with traverse, the invention disclosed in Group I, comprising claims 1-8, in the event that the Examiner chooses not to reconsider and withdraw the restriction requirement.

Should the Examiner have any questions, please contact the undersigned at the telephone number provided below.

Respectfully Submitted,  
Shinkichi IKEDA

  
Bruce H. Bernstein  
Reg. No. 29,027

December 13, 2004  
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